

AMENDED

APPROVED BY THE BOARD
AT ITS MEETING HELD ON

Dec. 8, 2017

**MEETING MINUTES
FOR THE
BOARD OF LAND AND NATURAL RESOURCES**

DATE: FRIDAY, MAY 26, 2017
TIME: 9:00 A.M.
PLACE: KALANIMOKU BUILDING
LAND BOARD CONFERENCE ROOM 132
1151 PUNCHBOWL STREET
HONOLULU, HAWAII 96813

MEMBERS

Suzanne Case
Thomas Oi
Stanley Roehrig

Chris Yuen
Keone Downing

STAFF

Russell Tsuji-LAND
David Smith-DOFAW
Ed Underwood/DOBOR
Ross Smith-DOT-AIRPORTS
Andrew Choy-PARKS
Irene Sprecher-DOFAW

Alton Miyasaka-DAR
Kevin Moore-LAND
Maria Carnevale-DAR

OTHERS

Bill Wynhoff/Deputy AG
Val Sanjara/K2
Gavin Yamada/D9
John Morton/D11
Gregg Nelson/D3
Pat Dyess/J6
Lane Kaaiaai/D7

Yvonne Izu/M3
Scott Mitamura/D9
Bruce Matsui/D11
Eric Won/D8
John Swanson/J2

The Meeting was called to order by Chair Case at 9:00 am. She read the contested case advisory.

Items D-6 and K-1 have been withdrawn from the Agenda.

Chair Case mentioned that Member Roehrig will be coming in at 9:30 am and that Members Sam Gon and Jimmy Gomes were not present due to illness. We have a quorum to begin.

ITEM A-1

No Minutes to Approve

- ITEM -M-1** Consent to Sublease of State Lease No. DOT-A-16-0010, Hawaiian Airlines, Inc. to Hawaiian Airlines Federal Credit Union, Honolulu International Airport, Tax Map Key: (1) 1-1-003: 001 (Portion).
- ITEM M-2** Issuance of a Revocable Permit to Index Builders, Inc., for Storage Space and Roll Off Bin/Staging Area for Construction Materials and Equipment, Honolulu International Airport, Tax Map Key: (1) 1-1-003: 65 (Portion) and (1) 1-1-003: 001 (Portion).
- ITEM M-3** Issuance of a Revocable Permit for a Passenger Lounge, Lanai Resorts, LLC dba Pūlama Lāna‘i, ‘Ewa Domestic Extension, Honolulu International Airport, Tax Map Key: (1) 1-1-003: 058 (Portion).
- ITEM M-4** Consent to Assignment of State Lease No. DOT-A-79-0010, from Resort Air, LLC to Exclusive Air LLC, Honolulu International Airport, Tax Map Key: (1) 1-1-72: 017 and 019.
- ITEM M-5** Issuance of a Revocable Permit for Aircraft Parking, R & J Aviators, LLC, Honolulu International Airport, Tax Map Key: (1) 1-1-76: Portion of 23.
- ITEM M-6** Issuance of a Revocable Permit for Trailer Parking for Storage, Conen’s Freight Transport, Inc., Hilo International Airport, Tax Map Key: (3) 2-1-12: Portion of 90.
- ITEM M-8** Amendment No. 1 to State Lease No. DOT-A-12-0006 for the Purpose of Extending the Term of the Lease, Royal Hawaiian Movers, Inc., Honolulu International Airport, Tax Map Key: (1) 1-1-14:10, (1) 1-1-14:05 and (1) 1-1-14:02

Ross Smith, Department of Transportation, Airport Division, presented Items M-1 through M-6 and M-8 consecutively. Smith passed out a schedule of improvements that Royal Hawaiian would make to the property for item M-8.

Board Discussion- None

Public Testimony

Yvonne Izu, Pūlama Lāna‘i was present and asked the Board to approve the Permit for M-3.

Motion

Approved Items M-1 through M-6 and M-8 as submitted (Downing, Oi) unanimous.

ITEM D-11 Consent to Amendment No. 1 to the Covenant of Purpose, Use and Ownership Affecting the Kapi‘olani Community College Culinary Institute of the Pacific as Part of General Lease No. 5661, University of Hawai‘i, Lessee; Waikīkī, Honolulu, O‘ahu; TMK (1) 3-1-042:011.

Land Management Administrator Russell Tsuji explained the submittal.

Bruce Matsui and John Morton from the University of Hawaii were present to answer any questions.

Board Discussion

Member Yuen asked if the covenant would prohibit the University from leasing the property for church purposes. Tsuji said that was correct.

Public Testimony - None

Motion

Approved as submitted (Oi, Downing) unanimous.

ITEM D-9 Consent to Assign General Lease No. S-5493, Gavin T. Yamada and Janice G.M. Yamada, Assignor, to Scot M. Mitamura and Karen M. Mitamura, Assignee, Extension of Lease Term, Waimānalo, Ko‘olaupoko, O‘ahu, Tax Map Key: (1) 4-1-018:052.

Land Management Administrator Russell Tsuji explained the submittal. The new lessee will make substantial improvements. It is an ag lease that may go to the Dept. of Agriculture. They suggested that DLNR handle this assignment, then the lease would be transferred to DOA.

Board Discussion-None

Public Testimony -None

Motion

Approved as submitted (Oi, Downing) unanimous.

ITEM D-8 Amend Prior Board Action of May 13, 2016, Agenda Item D-8; *Sale of Remnant (Cancellation of Reserved Easement) to Yi-Sun Chiu, Christy Zeng Lei, Xiu Yun Xie, and Huiling He, Pālolo Valley, Honolulu, O‘ahu, Tax Map Key: (1) 3-4-006: portion of 002*

The amendment is to change the method of disposition from sale of remnant to sale of reservation of easement.

Russell Tsuji, Administrator, Land Division presented the Staff Submittal.

Tsuji disclosed that applicant’s counsel is a friend of his. They worked in private practice together, but said he has no financial interest in this other than the State receiving income.

Board Discussion

Member Yuen asked how much was it appraised for? Tsuji-LAND replied \$40,000.

Public Testimony -None

Motion

Approved as submitted (Yuen, Oi) unanimous.

ITEM D-3 Amend Grant of Non-Exclusive Easement, GL No. S-5998, for Walkway, Stairs, Shower Station, Concrete Pier Block Remnants and Landscaping Purposes, to Napili Kai, Ltd., Napili 2 and 3, Lāhainā, Maui, Tax Map Key: (2) 4-3-002: seaward of 026, 027 & 028. The purpose of the amendment is to increase the easement area by approximately 140 square feet, more or less.

Russell Tsuji, Administrator, Land Division presented the Staff Submittal.

Gregg Nelson was present to answer any questions.

Board Discussion-None

Public Testimony - None

Motion

Approved as submitted (Downing, Oi) unanimous.

ITEM J-2 Continuation of 29 Revocable Permits on the Islands of Hawai‘i, Kaua‘i, Lānai, Maui and O‘ahu; Various Locations and Tax Map Keys Statewide. See Exhibit A for the list of Revocable Permits (EXHIBIT A ATTACHED).

Dana Yoshimura, Property Manager, Division of Boating and Recreation presented the continuation of Revocable Permits and answered questions by the Board.

Board Discussion

Member Yuen asked why GKM's Honokohau Harbor – 9 -acres, price per square foot was much less than the other RP's. Yoshimura-DOBOR replied that the original intent was to roll it over into a lease. The AG's consultation was not to roll it over into a lease and put it up for auction.

Member Yuen said there were a couple of issues, he did a quick evaluation. I looked at the satellite photo to see how many boats they have stored there, and looked at the rates they charge on the internet. There's considerable income. It's basically undeveloped land that they put a fence around. How long has it been on an RP? What is the time table to put it up for Public Auction or getting it appraised?

Yoshimura-DOBOR replied, review and appraisal are being done concurrently to bring it in line with market value.

9:30 am Member Roehrig arrived.

Member Roehrig asked if we needed to have a County-approved subdivision? Yoshimura said he wasn't sure if it is a subdivided lot.

Member Yuen replied, the question of the application of County zoning and subdivision requirements to State activity is not simple. He looked at the County's files for Honokohau Harbor, some of the properties that we have under lease or on RP's are not subdivided lots in the eyes of the County. However, stepping back, the County zoning is Open. Which does allow marinas, but with a Use Permit. The small boat harbors were originally under the Department of Transportation (DOT). There was a clause in the statute, Chap. 266, that said, County zoning requirements do not apply to harbors under DOT. Issues came up to the County in the 70's & 80's over the uses at Honokohau Harbor. The County tried to assert zoning authority to limit the uses at Honokohau Harbor. At a certain point in the 80's the County backed off and said whatever DOT wants to do with the Harbor, due to this statute, the County has no say. In 1991, the harbors transferred to DLNR where the DLNR takes over all the powers and authority of the DOT in the matter of the harbors.

Member Yuen suggested on this subdivision issue to have a meeting with the County planning division for clarification. But, because of this statute, it is not under the County's jurisdiction anymore. There may be some exception, under SMA permits.

Member Roehrig asked Member Yuen if we should move forward on a lease appraisal on the assumption that the subdivision is not going to come up for GKM?

Member Yuen said, we can move approve the RP today, but he is not happy with the rent we are getting. The only way to boost the rent is to get an appraisal. To bring the lease to public auction, there should be a discussion with the State, County, and AG's. The State's position should be that the statute applies.

Member Yuen clarified for Member Roehrig that subleases within the buildings are not considered subdivisions.

Chair Case asked if this applied to harbors on other islands. Member Yuen replied yes.

Deputy AG Bill Wynhoff said that this issue has come up over the years. Sometimes the Board did subdivide, and the County should have some input even if we were to conclude that we do not have to get County approval. It has come back where the County said if you're not doing subdivision, good luck with getting water, fire protection, police protection, etc., in these areas. He thanked Member Yuen for the discussion.

Yoshimura mentioned that they had met with Kaua'i County over a possible lease at Nawiliwili, and were planning a meeting with Maui County.

Member Downing asked regarding RP 28 "Surf & Sea", how did they come up with the \$14,000 appraised monthly rent?

Yoshimura-DOBOR said he wasn't sure of the specifics in this case but normally they used comparable.

Member Roehrig asked regarding RP 33- Kailua- Kona Pier, that has been under RP for 2-years. He said there was a lot of interest in this property. We want to get this out to public auction. He would like to see an opportunity for others to bid on it. Yoshimura said it is online and anyone can ask for the space.

Chair Case mentioned that there is a process where they can go on-line and look at the RP's. Yoshimura said if they want to bid more, they can. It would then come before the Board for its decision.

Member Yuen said, this could be a concession than a lease, because it's the ability to use the space in a structure. The tricky part is what is the balance between public and private interest. It is a good commercial site for an activity desk, there are people walking by and you could book various ocean activities. We would want a mix of information and activities information. Yoshimura clarified that they were allowed to be an activities desk.

Ed Underwood, Administrator, DOBOR commented that the designation of the Kona Coast was gratis for many years. We told them we could no longer allow it gratis. We opened it up to anyone interested and we got three people interested. This person offered the highest rent. Recently in the last week, the permittee asked to reduce the rent because he over bid it. We told him we could not do that.

Member Yuen said if we are looking for highest dollar we should put it out for concession by sealed bid. Member Roehrig concurred with that recommendation.

Public Testimony

John Swanson, Horizon Pacific, RP 35, said that just to clarify what we do, we have an activity desk, we provide maps to cruise ship passengers, the general public, anyone looking for one. Occasionally we have opportunities where we have regattas down there and we do not open up for sales. We have staff members passing out free water and energy bars and try to promote being good stewards of the pier.

Member Roehrig asked how he felt about a concession. Swanson replied that it sounded like what they did last year, so it didn't necessarily bother him. They did sell items and it was a commercial operation, in part.

Member Yuen moved to approve with the following recommendations:

- 1) Division reappraise GKM's Honokohau RP whether or not it's going to public auction or continue on a RP.***
- 2) Division consider converting Horizon Pacific RP into a concession.***

Member Yuen commented that the Division really look at these RP's that could convert to a concession. The concession statute has a flexibility over the length of the term and sets a fair process for getting the concession. Parks has converted RP's into concessions. The right to conduct a specified business activity in a defined area on state land is a concession.

Motion

Approved with recommendations (Yuen/Roehrig) unanimous.

Chair Case conveyed the Contested Case option statement.

ITEM K-2 Conservation District Enforcement KA 15-34 for Alleged Unauthorized Structures by Val Sanjara Located at Wainiha Power House Road, Island of Kaua'i, Tax Map Key: (4) 5-8-005:026.

Kimberly "Tiger" Mills, Office of Conservation and Coastal Lands, presented the Staff recommendation.

Board Discussion-None

Public Testimony

Val Sanjara requested a contested case hearing.

Chair Case reminded Sanjara that he needed to submit his request in writing within 10-days.

Member Roehrig commented that we should not hear testimony on the merits after the alleged violator has requested a contested case.

In response to a question whether there should be a formal deferral, Deputy AG Bill Wynhoff said he didn't think that was necessary.

ITEM J-6 Issuance of Right-of-Entry Permit to Pyro Spectaculars North, Inc. for proximity fireworks and stage-effects display on Waikīkī Beach on June 4, 2017, with beach closing between 8:00 p.m. to 9:15 p.m., Waikīkī, Honolulu, O'ahu, Tax Map Key: (1) 2-6-002:005 (portion).

Dana Yoshimura presented on behalf of Boating and Ocean Recreation. Pyro was present to answer questions.

Pat Dyess, Pyro, representatives from the Sheraton, Royal Hawaiian and the event promotor were present to answer any questions on the economic benefit to Waikiki. He explained his role is to answer any questions in regard to the fireworks display on the beach and any security issues or other matters. These are not aerial fireworks. They are staged pyrotechnics, like a performer would use on stage. In regard to safety, the beach will be closed during the time of the show and 20-minutes after. The clean-up is multi-phase. Members will do a visual sweep of the beach and pick up any debris and first thing in the morning will do another sweep to pick up any debris from the beach and waterline. He said, they use the cleanest fireworks to help mitigate debris.

Board Discussion

Member Downing said Dyess answered all his questions before. If indeed the beach does change for safety sake or your patrons' sake you have the right to not do it. Dyess replied to Member Downing's comment regarding safety that safety always comes first. Dyess discussed their efforts to minimize debris and said that they were preparing a set of best management practices. Member Oi recommended to raise the payment to the state because they had a bigger safety zone. Dyess replied that the additional space was private property. Member Roehrig asked if we charge by the square-feet and Member Downing said we should be looking for a fee for commercial use on the ocean.

Member Oi asked whether the barge was a use of submerged land. Chair Case said it was not a use of state land.

Member Yuen commented that there was no charge for anchoring a boat. Deputy AG Wynhoff commented that the anchoring was a use of submerged land but there is no special charge or permit for it.

Member Yuen said there should be an exclusion area and perhaps there should be a fee for that area. Dyess said that they do not get charged anywhere in the country for an exclusion area in the ocean where they fire from barges. Members Oi, Downing and Roehrig asked Yoshimura to take a closer look at the fee regarding submerged land for the use of the barge. Dyess said the current charges were fair because Hilton could choose to fire from a barge rather than on land, but the barge was very expensive because of renting the equipment. Member Yuen commented that the ocean is treated differently than land, typically, the state did not charge for the exclusive use of the ocean surface, using parasail operations as an example.

There was no public testimony.

Motion

Approved as Submitted (Downing, Oi) unanimous.

A brief recess was taken.

Item C-1 Approve grants from available funds in the Land Conservation Fund, as requested in applications to the fiscal year 2017 Legacy Land Conservation Program, for:

(1) The payment of \$1,500,000 in debt service on the Turtle Bay reimbursable general obligation bonds, and

(2) The acquisition of interests in specific parcels of land for:

A. The Trust for Public Land and Ala Kahakai Trail Association, \$2,000,000 for the acquisition of 2,209.307 acres at Kāhilipalinui and Kāhilipali'iki, Ka'ū, Hawai'i (Waikapuna);

B. Division of Forestry and Wildlife, \$738,346 for the acquisition of 4,469.58 acres at Kūka'iau and Kōholalele, Hāmākua, Hawai'i (Addition to Mauna Kea Forest Reserve, Upper Kūka'iau Ranch Acquisition); and

C. Hawaiian Islands Land Trust, \$210,000 for the acquisition of a conservation easement over 6.12 acres at Ke'anae, Hana, Maui (Kepler Ke'anae Lo'i Easement)

and:

Declare that each approved award of Fiscal Year 2017 grant funds for the acquisition of interests in specific parcels of land is exempt from the preparation of an environmental assessment, pursuant to Sections 343-5 and 343-6, Hawai'i Revised Statutes and Section 11-200-8, Hawai'i Administrative Rules.

David Smith, Administrator, Department of Forestry and Wildlife presented the Staff Submittal. There are some corrections to be made in the submittal. It should say that rather than the Land Legacy Commission having approved the minutes, they deferred the minutes, and it should refer to the “draft” minutes, not the “approved” minutes. There are 3 recommendations. Normally, DOFAW does not give options on the recommendations, so Smith wanted to explain why they did here. In a previous year, certain funds had lapsed because DOFAW had a vacancy and did not have someone monitoring the project. So it became necessary to roll over funds for projects. Irene Sprecher said that it was DOFAW’s intention to honor the Legacy Land Commission’s recommendations, but because of time sensitivity of the Kukaiau project, Option 2 is recommended. DOFAW will come to the Board in July with funding for the Waikapuna project.

Board Discussion-None

Public Testimony – Steve Rafferty from the Trust for Public Lands said that their Waikapuna project could not close this year even with the Legacy Lands funding, but they wanted to be able to tell the County, from whom they were also seeking funding, that there was a process in place to obtain the Legacy Lands funding. With that understanding he had no objection to DOFAW’s recommendation for Option 2.

Motion

Motion to approve Staff recommendation of Option 2 (Yuen, Oi) unanimous.

ITEM D-7 Consent to Assign General Lease No. S-4892, from Thomas H. Kaaiai and Joan A. Kaaiai as Assignors to Thomas H. Kaaiai, Joan A. Kaaiai, Guy A. K. Kaaiai, Dale L. Kaaiai, Lane Kaaiai, and Nohl-Dayne H. N. Kaaiai, Joint Tenants, as Assignees; Maunalaha, Honolulu, O’ahu, Tax Map Key: (1) 2-5-024:021.

Mutual Cancellation of General Lease No. S-4906; Guy A. K. Kaaiai, Dale L. Kaaiai, Lessee; Maunalaha, Honolulu, O’ahu, Tax Map Key: (1) 2-5-024:022.

Russell Tsuji presented for Land Division Lane Kaaiai was present to answer any questions.

Board Discussion-None

Public Testimony - None

Motion

Approved as submitted. (Downing, Oi) unanimous.

11:00 am Recess to take oral argument in the Dailey contested case.

12:10 pm Back in Session

- ITEM F-1** Request for Approval for the DLNR Chairperson to Renew an Agreement and to Delegate to the Chairperson Signature Authority for the Future Exchange of Confidential Fisheries Information with the National Marine Fisheries Service (NMFS) or Other Federal Fisheries Agencies for Fisheries Management Purposes

Board Discussion-None

Public Testimony - None

Motion

Approved as submitted. (Oi, Yuen) unanimous.

- ITEM D-1** Issuance of Right-of-Entry Permit to United States Department of the Interior, National Park Service, Ala Kahakai National Historic Trail on Lands Encumbered by Revocable Permit Nos. S-7786 & S-7820, Volcano Island Honey Company, LLC, Permittee; and General Lease No. S-5162, Mauna Lani Resort, Inc., Lessee for the Purposes of Conducting Research and Archaeological Site Documentation of the Ala Loa and Puako-Waimea Trails, Lālāmilo, South Kohala, Hawai‘i, Tax Map Keys: (3) 6-9-001:015 & 017.
- ITEM D-2** Issuance of a Right-of-Entry Permit to Maui Film Festival, Inc. for Film Presentation Purposes, Wailea Beach, Maui Tax Map Key (2) 2-1-023: seaward of 007.
- ITEM D-4** Issuance of Revocable Permit to John Wisniewski, Waipahu Industrial Park, Hō‘ae‘ae, ‘Ewa, O‘ahu, Hawai‘i Tax Map Key: (1) 9-4-049:062 (por.).
- ITEM D-5** After-the-Fact Issuance of Right-of-Entry and Special Use Permits (Right-of-Entry) to Endurance Events USA onto State Lands Encumbered by Governor’s Proclamation Dated January 3, 1923, Waiākea Forest Reserve, Upper Waiākea Forest Reserve and Hilo Reserve; Governor’s Executive Order No. 1288, Mauna Loa Forest and Game Reserve; Governor’s Proclamation Dated May 2, 1938, Mauna Kea Forest Reserve; Governor’s Executive Order No. 1398, Ka‘ohe Game Management Area; and General Lease No. S-5373, Harold F. Rice, Jr., Lessee, for the Purpose of Hosting a Portion of the Mauna 2 Mauna Ultra Marathon Footrace, South Hilo, North Hilo, Hāmākua and South Kohala, Hawai‘i, Tax Map Keys: (3) 2-4-008:001, (3) 2-6-018:010, (3) 2-6-018:004, (3) 2-4-008:008, (3) 2-4-008:004, (3) 3-8-001:001, (3) 4-4-014:009, (3) 4-4-015:001, (3) 4-4-015:004, and (3) 6-6-001:002.

This is a joint Land Division and Division of Forestry and Wildlife submittal to make efficient use of Board and Staff time.

Tsuji, also conveyed that this has been discussed David Smith-DOFAW and the Attorney General's Office.

ITEM D-10 Consent to Assignment of Lease of Non-Exclusive Easement S-5329, Jeffrey T. Long, as Lessee/Assignor, to Jeffrey T. Long and Jamie Felice Long, Co-Trustees of the Jeffrey T. Long 2001 Revocable Trust, dated September 7, 2001, as Assignee; Consent to Mortgage of Lease of Non-Exclusive Easement S-5329, Jeffrey T. Long and Jamie Felice Long, Co-Trustees of the Jeffrey T. Long 2001 Revocable Trust, dated September 7, 2001, as Lessee/Mortgagor, to Bank of Hawaii, as Mortgagee; Amendment of Lease of Non-Exclusive Easement S-5329, Jeffrey T. Long and Jamie Felice Long, Co-Trustees of the Jeffrey T. Long 2001 Revocable Trust, dated September 7, 2001, Lessee to provide that the easement shall run with the land and shall inure to the benefit of the private real property described as Tax Map Key Nos. (1) 4-3-010:079, 080, and 081, and be assignable without Board consent; Kailua, Ko'olaupoko, O'ahu, Tax Map Key: (1) 4-3-010: portion of 083.

Russell Tsuji, Administrator present the Items D-1, D-2, D-4, D-5 and D-10 consecutively for Land Division.

Board Discussion-None

Public Testimony - None

Motion

Approved Items D-1, D-2, D-4, D-5 and D-10 as submitted. (Oi, Yuen) unanimous.

ITEM C-2 Request to extend the closure of Kahauale'a Natural Area Reserve, Kahauale'a, Puna, Hawai'i Island, to the public, pursuant to Hawai'i Administrative Rules §13- 209-4.5, for public safety purposes, Tax Map Key: 1-2-008-001 and Tax Map Key: 3-1-001-001: (portion).

ITEM C-3 Request approval to authorize the Chairperson to negotiate and enter into a Memorandum of Agreement with MVI, LLC for public access through Tax Map Key: (2) 3-6-001: portion 018 to the Lāhainā Pali Trail, Maui.

ITEM C-4 Authorization of funding for Maui Land & Pineapple Company, Inc. for \$1,280,165 during FY18-24 for Pu'u Kukui Watershed Preserve continued enrollment in the Natural Area Partnership Program and acceptance and

approval of the Pu'u Kukui Watershed Preserve Long Range Management Plan, TMK 4-1-1-17, 4-2-1-1:por, 4-1-4-12:por, 4-1-5-10, 4-1-5-13, 4-1-5-16, 4-1-5-17, 4-3-1-1:por, 4-3-1-17:por, Maui.

David Smith, Administrator presented for the Department of Forestry and Wildlife submittals. There were no questions.

Board Discussion-None

Public Testimony - None

Motion

Approved as submitted Items C-2, D-3 and C-4 as submitted (Roehrig/Yuen) unanimous.

ITEM L-1 Appointment of Kainoa Casco to Serve as a Director of the West Maui Soil and Water Conservation District

Approved as submitted. (Oi, Roehrig) Unanimous

ITEM J-3 Installation and Modification of Four (4) Existing Offshore Moorings and Declare Project Exempt from Requirements of Chapter 343, HRS, and Title 11, Chapter 200, Hawai'i Administrative Rules for:

Fair Wind, Inc. (Vessel: Fair Wind II)
Kona Sunrise Charters, Inc. (Vessel: Hula Kai)
Keauhou Boating Ltd. (Vessel: Captain Jack)
Charisma Hawaii, Inc. (Vessel: Kona Gold)
Keauhou Bay, Island of Hawai'i, Hawai'i

Board Discussion-None

Public Testimony - None

Motion

Approved as submitted (Roehrig/Oi) Unanimous.

- ITEM J-5** Consent to Sublease Harbor Lease No. H-83-2, Kona Marine Holdings, LLC, a Delaware limited liability company, Lessee, to Jacks Diving Locker, a Hawaii Partnership, Honokōhau Small Boat Harbor, Kailua-Kona, Hawai‘i, Tax Map Key: (3) 7-04-008:040 (portion).

Board Discussion

Member Yuen stated he had spent some time at DOBOR’s offices reviewing the files of this lease because he had raised questions about whether the clause that appears to require the lessee to pay 5% of gross revenue applied to revenue that might be generated by the proposed sublease. After reviewing the files, he still has some general questions about this lease but it did not appear that the lease mandated that 5% of the sublessee’s gross income be added to the rental amount that the state would receive. He was satisfied that BLNR should consent to the sublease as requested.

Public Testimony -None

Motion

Approved as submitted (Roehrig/Oi) Unanimous.

- ITEM J-5** Installation and Modification of Existing Offshore Mooring and Declare Project Exempt from Requirements of Chapter 343, HRS, and Title 11, Chapter 200, Hawai‘i Administrative Rules for Sea Paradise Scuba, Inc. (Vessel: Sea Paradise) Keauhou Bay, Island of Hawai‘i, Hawai‘i.

Board Discussion-None

Public Testimony - None

Motion

Approved as submitted (Roehrig/Oi) Unanimous.

- ITEM M-7** Authorization to convey subject property, Kamehameha Highway, Wilson Bridge to Kilani Avenue, Federal Aid Project No. F-FF-080-1(5) at Wahiawā, O‘ahu, Hawai‘i, Tax Map Key: (1) 7-3-04-01 remnant as shown on Exhibit A to respective abutting owners by quitclaim deed.

Board Discussion-None

Public Testimony - None

Approved as submitted (Downing, Oi) Unanimous.

Motion to Adjourn (Oi, Downing) Unanimous.

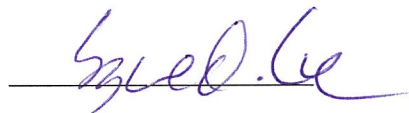
There being no further business, Chairperson Suzanne Case adjourned the meeting at 3:45 pm. Recording(s) of the meeting and all written testimonies submitted at the meeting are filed in the Chairperson's Office and available for review. Certain Items on the agenda were taken out of sequence to accommodate applicants or interest parties present.

Respectfully submitted,



Darlene S. Ferreira
Land Board Secretary

Approved for submittal:



Suzanne D. Case
Chairperson
Department of Land & Natural Resources